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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,463	08/15/2003	Richard A. Gottscho	LAM1P141D1	2171

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BEYER WEAVER & THOMAS LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

EXAMINER	
MEEKS, TIMOTHY HOWARD	
ART UNIT	**PAPER NUMBER**
1762	

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/642,463	GOTTSCHO ET AL.	
	Examiner	Art Unit	
	Timothy H. Meeks	1762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 February 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) *1* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *20050303*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Application Status

The amendment filed on 2/22/05 has been fully considered. Claims 1-20 remain pending and claim 1 remains withdrawn from further consideration as being directed to a nonelected invention, the election being made without traverse in the response filed 10/15/04.

Withdrawn Rejections

The rejections set forth in the previous office action are withdrawn in view of applicants' amendments to claim 2 and in view of applicants argument that the prior art does not disclose the "alternately distributing" limitation of claim 15.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 2-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bailey, III et al. (2003/0155079), cited in the last office action.

Bailey discloses a process comprising providing a process chamber within which a workpiece is processed including a first processing zone and a second processing zone, each zone representing a portion of the workpiece to be processed (see paragraphs 43-44 where outlets 408, 410, and 412 are used to deliver gas to top central, upper peripheral, and lower peripheral regions of the chamber, these correspond to different regions of the substrate being processed) and outputting the component to the first processing zone without outputting the component to the second zone (see paragraph 44 where it is disclosed that 408 can be shut off during a certain time during the process). As to claim 15, the gas is used to form a plasma (abstract)`

Bailey does not disclose outputting the component into the second processing zone without inputting into the first processing zone and switching between the two outputting steps to effect the concentration of the component.

However, because Bailey discloses at paragraph 53 that it is desirable to control the distribution of neutrals in the formed plasma by varying the time that gases spend in the chamber and such variance can be achieved through the control of flows of the components to the different regions of the chamber, it would have been obvious to control the amount of neutrals present in the chamber by controlling the flow rates of the gases to each region which as exemplified in paragraph 44 can include no flow,

therefore to switch between flow and no flow between the different regions would have reasonably been expected to provide the desired control of the neutrals in the chamber.

As to controlling ratio of gas components to each zone and time for providing each component, these factors clearly would affect the amount of neutrals produced as these affect the amount of gas present for production of neutrals, hence control of these factors to control the neutrals would have been obvious.

As to claims 18-20, it is disclosed at paragraph 52 to control magnetic energy in conjunction with gas flow to control the neutrals.

Claims 2-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daugherty (4,852,593).

Daugherty discloses a process comprising providing a process chamber within which a workpiece is processed including a first processing zone and a second processing zone, each zone representing a portion of the workpiece to be processed (see Figures 2 and 3 and accompanying description at col. 2, line 65 to col. 5, line 64, the processing chamber being the structure supporting the car wash components, the first processing zone being the undercarriage wash, and the second processing zone being the remaining car wash structure) and outputting a component (water) into the first processing zone without outputting the component in the second zone and outputting the component to the second processing zone without outputting the component to the first process zone (col. 5, line 55- col. 6, line 20 where it is disclosed that water is outputted to the undercarriage of the car and then when the car reaches

the pressure switch, output is stopped to the undercarriage and the wash cycle commences wherein water (with detergent) is delivered to the top of the car).

Daugherty does not explicitly disclose the claimed switching step. However, because one would clearly want to use the car wash to wash further vehicles for commercial economic reasons or to run the same vehicle through a second time to achieve further cleaning of the vehicle, both of which would require going through the same cycle within the chamber again and hence the claimed switching step, it would have been obvious to perform claimed switching step so as to wash the same vehicle again or wash further vehicles to achieve the advantages outlined above as achieved therefrom.

As to claims requiring different ratios of the component, this is explicitly taught in that only water is used in the first zone and water and detergents are used in the second. As to claims to setting the timing, this would have been obvious based on the different surface areas and cleaning functions based upon the undercarriage versus the rest of the vehicle. As to the magnitude, this is explicitly taught given the disclosed water pressures in the first and second zones.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy H. Meeks whose telephone number is (571) 272-1423. The examiner can normally be reached on Mon 6-6 and Tues-Thurs 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive P. Beck can be reached on (571) 272-1415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TIMOTHY MEEKS
SUPERVISORY PATENT EXAMINER